

**SEMINOLE COUNTY GOVERNMENT  
LAND PLANNING AGENCY / PLANNING AND ZONING COMMISSION  
AGENDA MEMORANDUM**

**SUBJECT:** Miller/First Street Rezone from A-1 to R-1A

**DEPARTMENT:** Planning & Development **DIVISION:** Planning

**AUTHORIZED BY:** April Boswell AB **CONTACT:** Michael Rumer EXT. 7431

<b>Agenda Date</b> <u>12/06/06</u>	<b>Regular</b> <input type="checkbox"/>	<b>Work Session</b> <input type="checkbox"/>	<b>Briefing</b> <input type="checkbox"/>
	<b>Special Hearing – 6:00</b> <input type="checkbox"/>	<b>Public Hearing – 7:00</b> <input checked="" type="checkbox"/>	

**MOTION/RECOMMENDATION:**

1. **RECOMMEND APPROVAL** of the request to rezone 1.01 ± acres, located on the south side of First Street, 500 feet east of Orange Blvd, from A-1 (Agriculture) to R-1A (Single-Family Dwelling), based on staff findings, (Zachary Miller, applicant); or
2. **RECOMMEND DENIAL** of the request to rezone 1.01 ± acres, located on the south side of First Street, 500 feet east of Orange Blvd, from A-1 (Agriculture) to R-1A (Single-Family Dwelling), (Zachary Miller, applicant); or
3. **CONTINUE** the item to a time and date certain.

District #5 – Comm. Carey

Michael Rumer, Senior Planner

**BACKGROUND:**

The applicant is requesting to rezone 1.01 ± acres, located on the south side of First Street, 500 feet east of Orange Blvd from A-1 (Agriculture) to R-1A (Single-Family Dwelling). R-1A (Single-Family Dwelling) requires a minimum lot size of 9,000 sq. ft. The Future Land Use Designation of the subject property is Low Density Residential (LDR), which allows the requested zoning district.

The Seminole County Land Development Code (LDC) provides the application of the Weighted Method for Determining Single-Family Residential Compatibility in the Low Density Residential future land use designation. Staff conducted the lot size compatibility analysis, per Section 30.1380.3 of the Land Development Code and Policy FLU 2.10 of the Vision 2020 Comprehensive Plan, and determined that the analysis does support the requested rezone to R-1A.

To the east, west, and north of the site is the A-1 (1-acre minimum lot size) zoning district with LDR (maximum 4 units / acre) land use designation. To the

<b>Reviewed by:</b>
<b>Co Atty:</b> <u>KPT</u>
<b>DFS:</b> _____
<b>OTHER:</b> _____
<b>DCM:</b> _____
<b>CM:</b> _____
<b>File No.</b> <u>Z2006-62</u>

northwest is a Water Treatment Plant owned by Seminole County. Additionally, there are PUD's within 600 feet of the subject property consisting of 2.5 to over 10 units per acre.

**STAFF RECOMMENDATION:**

Staff recommends APPROVAL of the request to rezone 1.01  $\pm$  acres, located on the south side of First Street, 500 feet east of Orange Blvd from A-1 (Agriculture) to R-1A (Single-Family Dwelling).

Attachments:

Staff Report  
Location Map  
Zoning & Future Land Use Map  
Aerial Map  
Rezone Ordinance  
Denial Development Order (applicable if the request is denied)

## Miller/ First Street Rezone

### Rezone from A-1 to R-1A

<b>APPLICANT</b>	Zachary Miller	
<b>PROPERTY OWNER</b>	Scott McFarland	
<b>REQUEST</b>	Rezone from A-1 (Agriculture) to R-1A (Single-Family Dwelling)	
<b>PROPERTY SIZE</b>	1.01 ± acres	
<b>HEARING DATE (S)</b>	P&Z: December 6, 2006	BCC: January 23, 2007
<b>PARCEL ID</b>	31-19-30-502-0000-0330	
<b>LOCATION</b>	Located on the south side of First Street, 500 feet east of Orange Blvd.	
<b>FUTURE LAND USE</b>	LDR (Low Density Residential)	
<b>ZONING</b>	A-1 (Agriculture)	
<b>FILE NUMBER</b>	Z2006-62	
<b>COMMISSION DISTRICT</b>	#5 – Carey	

### Proposed Development:

The applicant is proposing to construct single-family residences.

### ANALYSIS OVERVIEW:

#### **ZONING REQUEST**

The applicant is requesting to rezone 1.01 ± acres, located on the south side of First Street, 500 feet east of Orange Blvd from A-1 (Agriculture) to R-1A (Single-Family Dwelling). R-1A (Single-Family Dwelling) requires a minimum lot size of 9,000 sq. ft. The Future Land Use Designation of the subject property is Low Density Residential (LDR), which allows the requested zoning district.

The following table depicts the minimum regulations for the current zoning district of A-1 (Agriculture) and the requested zoning district of R-1A (Single-Family).

<b>DISTRICT REGULATIONS</b>	<b>Existing Zoning (A-1)</b>	<b>Proposed Zoning (R-1A)</b>
Minimum Lot Size	43,560 square feet	9,000 square feet
Minimum House Size	N/A	1,100 square feet
Minimum Width at Building Line	150 feet	75 feet
Front Yard Setback	50 feet	25 feet
Side Yard Setback	10 feet	7.5 feet
(Street) Side Yard Setback	50 feet	25 feet
Rear Yard Setback	30 feet	30 feet
Maximum Building Height	35 feet	35 feet

## **COMPATIBILITY WITH SURROUNDING PROPERTIES:**

The Land Development Code provides the application of the Weighted Method for determining single-family residential compatibility within the LDR Future Land Use designation. Staff conducted the lot size compatibility analysis, per Section 30.1380.3 of the Land Development Code and Policy FLU 2.10 of the Vision 2020 Comprehensive Plan, and determined that the analysis does support the requested rezone to R-1A.

The calculations assign differing weights to the surrounding zoning districts according to permitted development intensities within those districts. For example, the R-1A district requires a minimum lot size of 9,000 square feet, so its weight factor is 8, while A-1 requires one-acre lots and has a weight factor of 4. A-1 zoned properties in proximity to a proposed rezoning receive a base weight of 4, but additional points can be assigned if water, sewer, and paved roads are available, up to a maximum weight of 7.

Weighting factors, together with the acreage of parcels within a 660-foot radius of the subject property, determine the “compatible” zoning for the subject property. After running the lot size compatibility analysis for the proposed 1.01 ± acre rezone request to R-1A, the results from the analysis indicated a weight of 7.52, which is consistent with the R-1A zoning district.

## **SITE ANALYSIS:**

### **ENVIRONMENTAL IMPACTS:**

#### *Floodplain Impacts:*

The site is not within the 100 year floodplain per current FEMA FIRM Map Number 12117C0040E with an effective date of April 17, 1995 (nor per preliminary updated DFIRMs).

#### *Wetland Impacts:*

Based on preliminary aerial photo and County wetland map analysis, there appears to be no wetlands on the subject property.

#### *Utilities:*

The site is located in the Seminole County Central Service Area and will be required to connect to public utilities. There is a 16-inch force main near the south side of the parcel and a 30-inch water main on the south side of First Street. This project is located within the ten year master plan for reclaimed water, therefore, the irrigation system must be connected to reclaimed water when it becomes available.

#### *Transportation / Traffic:*

The property is adjacent to First Street which is classified as a local road. First Street is not currently programmed to be improved according to the County 5-year Capital

Improvement Program. The applicant may be required to bring First Street up to County standards at the time of development. The property also accesses Orange Boulevard. Orange Boulevard has a measured Level-Of-Service "A". This portion of Orange Boulevard is currently programmed to be improved according to the County 5-year Capital Improvement Program as a Minor Project.

*School Impacts:*

The proposed project will not generate any school impacts not already accounted for in the plat approved in 1914.

*Drainage:*

The proposed project is located within the Yankee Lake Drainage Basin. The site is identified an area of most effective recharge per Seminole County GIS overlays and must meet SCLDC criteria regarding these special areas. This generally includes retention of the pre-post volume difference for the 25 year/24 hour storm event.

*Parks, Recreation and Open Space:*

The applicant is required to provide at a minimum 25% of the site in open space, per Section 30.1344 (Open Space Ratios and Design Guidelines) of the Seminole County LDC.

*Buffers and Sidewalks:*

Because this is a proposed residential project adjacent to both residential and agricultural zoning and the LDR Future Land Use Designation, no exterior buffers are required. Since there are no existing sidewalks along First Street, sidewalks for this project may not be required.

**APPLICABLE POLICIES:**

**FISCAL IMPACT ANALYSIS:**

This project does not warrant running the County Fiscal Impact Analysis Model.

**SPECIAL DISTRICTS:**

The subject property is located within the Aquifer Recharge overlay. All new residential development must maintain 40% pervious surfaces per Section 30.1027 of the Seminole County LDC.

**COMPREHENSIVE PLAN (VISION 2020):**

The following policies are applicable with the proposed project:

Policy FLU 2.5: Transitional Land Uses

Policy POT 4.5: Potable Water Connection

Policy SAN 4.4: Sanitary Sewer Connection  
Policy PUB 2.1: Public Safety Level-of-Service

**INTERGOVERNMENTAL NOTIFICATION:**

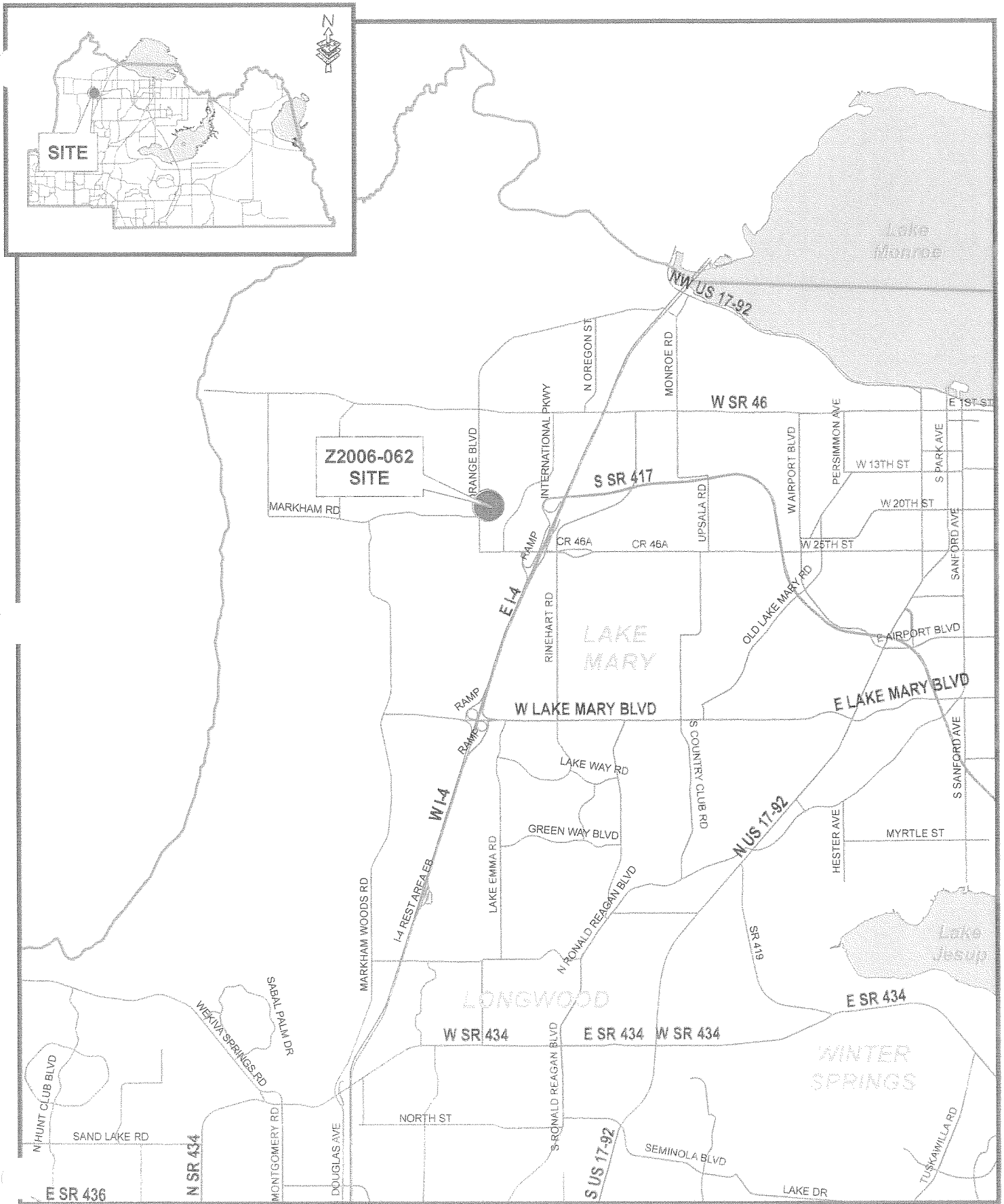
Intergovernmental notices were not sent; the subject property is not within or directly adjacent to any local municipality and will not impact schools.

**LETTERS OF SUPPORT OR OPPOSITION:**

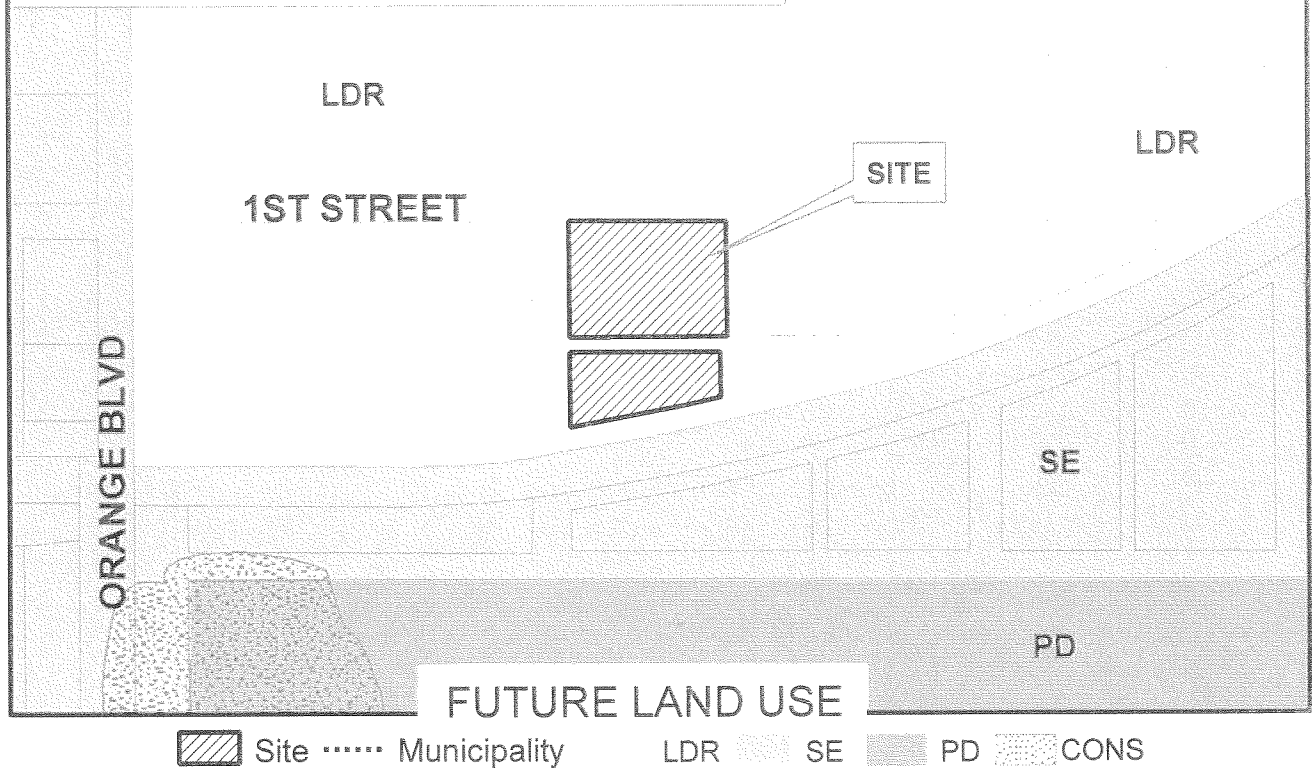
At this time, Staff has not received any letters of support or opposition.

**STAFF RECOMMENDATION:**

Staff recommends APPROVAL of the request to rezone 1.01 ± acres, located on the south side of First Street, 500 feet east of Orange Blvd from A-1 (Agriculture) to R-1A (Single-Family Dwelling).

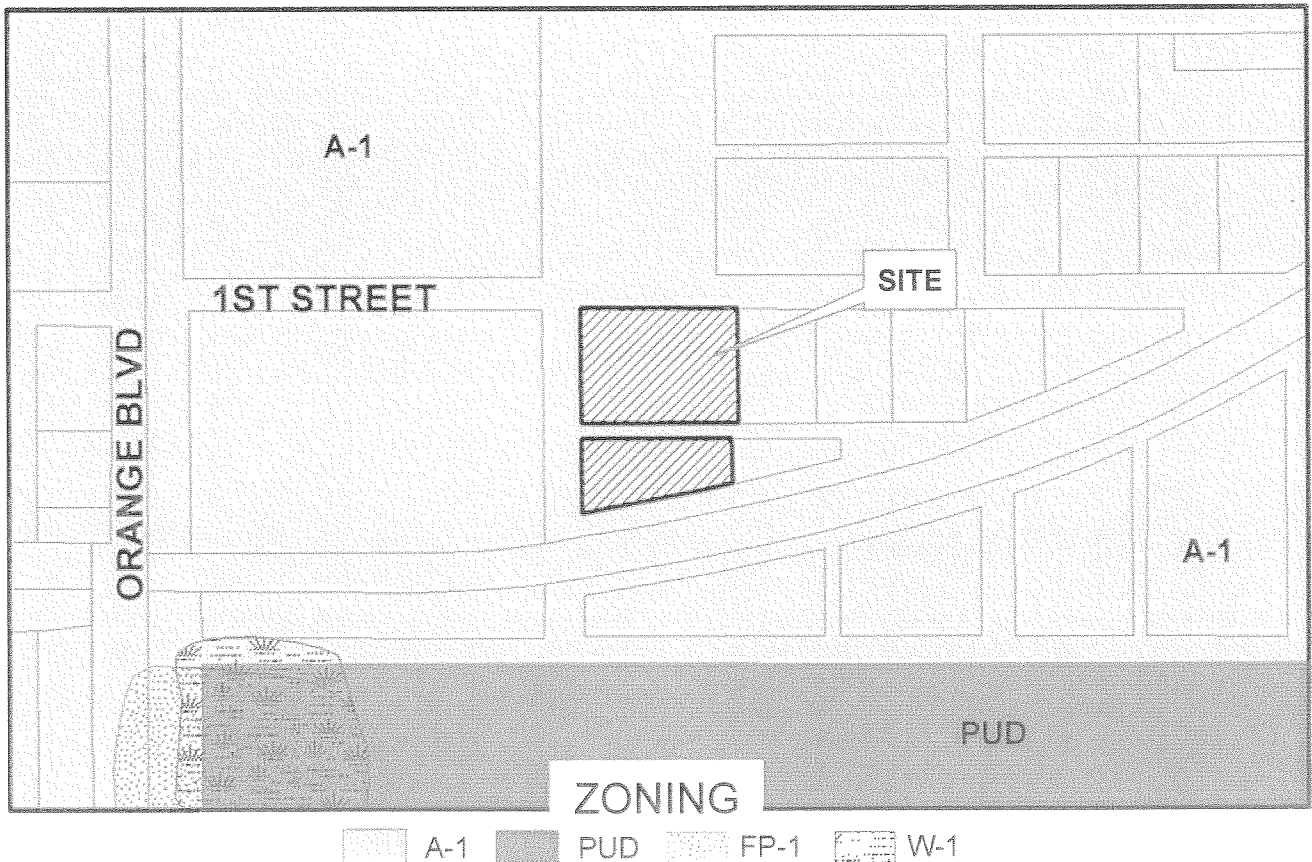


The presence of any wetlands and or flood-prone areas is determined on a site by site basis. Boundary adjustments may be made based upon more definitive on-site information obtained/during the development review process. Wetland information, based on SJRWMD's update of National Wetland Inventory Maps, and 100 yr floodprone area information, based on Flood Insurance Rate Maps provided by FEMA.



Applicant: Zack Miller  
 Physical STR: 31-19-30-502-0000-0330 & 0370  
 Gross Acres: 1.06 +/- BCC District: 5  
 Existing Use: residential  
 Special Notes: None


	Amend/ Rezone#	From	To
FLU	--	--	--
Zoning	Z2006-062	A-1	R-1AA







Rezone No: Z2006-062  
From: A-1 To: R-1AA

-  Parcel
-  Subject Property



Winter 2006 Color Aerials

AN ORDINANCE AMENDING, PURSUANT TO THE LAND DEVELOPMENT CODE OF SEMINOLE COUNTY, THE ZONING CLASSIFICATIONS ASSIGNED TO CERTAIN PROPERTY LOCATED IN SEMINOLE COUNTY (LEGAL DESCRIPTION ATTACHED AS EXHIBIT); ASSIGNING CERTAIN PROPERTY CURRENTLY ASSIGNED THE A-1 (AGRICULTURE) ZONING CLASSIFICATION THE R-1A (SINGLE-FAMILY DWELLING) ZONING CLASSIFICATION; PROVIDING FOR LEGISLATIVE FINDINGS; PROVIDING FOR SEVERABILITY; PROVIDING FOR EXCLUSION FROM CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF SEMINOLE COUNTY, FLORIDA:

**Section 1. LEGISLATIVE FINDINGS.**

(a) The Board of County Commissioners hereby adopts and incorporates into this Ordinance as legislative findings the contents of the documents titled "Miller/First Street Rezone."

(b) The Board hereby determines that the economic impact statement referred to by the Seminole County Home Rule Charter is unnecessary and waived as to this Ordinance.

**Section 2. REZONINGS.** The zoning classification assigned to the following described property is changed from A-1 (Agriculture) to R-1A (Single-Family Dwelling):

**SEE ATTACHED EXHIBIT A**

**Section 3. EXCLUSION FROM CODIFICATION.** It is the intention of the Board of County Commissioners that the provisions of this Ordinance shall not be codified.

**Section 4. SEVERABILITY.** If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, it is the intent of the Board of County Commissioners that the invalidity shall not affect other provisions or applications of this Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared severable.

**Section 5. EFFECTIVE DATE.** A certified copy of this Ordinance shall be provided to the Florida Department of State by the Clerk of the Board of County Commissioners in accordance with Section 125.66, Florida Statutes, and this Ordinance shall be effective upon filing a copy of this Ordinance with the Florida Department of State by the Clerk of the Board of County Commissioners.

ENACTED this 23rd day of January 2007.

BOARD OF COUNTY COMMISSIONERS  
SEMINOLE COUNTY, FLORIDA

By: \_\_\_\_\_  
Carlton D. Henley  
Chairman

**EXHIBIT A**  
**LEGAL DESCRIPTION**

Lots 33, 34, 35, 36, 37 AND 38, PLAT OF THE TOWN OF SYLVAN LAKE, SEMINOLE COUNTY, ACCORDING TO THE PLAT RECORDED IN PLAT BOOK 2, PAGE 69, OF THE PUBLIC RECORDS OF SEMINOLE COUNTY, FLORIDA.

**SEMINOLE COUNTY DENIAL DEVELOPMENT ORDER**

On January 23, 2007, Seminole County issued this Denial Development Order relating to and touching and concerning the following property described in the attached legal description as Exhibit "A".

**Property Owner(s):** Zachery Miller  
Scott McFarland  
Robert Riccuiti

**Project Name:** Miller/First Street Rezone

**Requested Development Approval:** The applicant is requesting to rezone 1.01 ± acres located on the south side of First Street, 500 feet east of Orange Blvd., from A-1 (Agriculture) to R-1A (Single-Family Dwelling, in order to develop a single-family subdivision.

The Board of County Commissioners has determined that the rezone request from A-1 (Agriculture) to R-1A (Single-Family Dwelling) is not compatible with the surrounding area to the south and could not be supported.

After fully considering staff analysis titled "Miller/First Street Rezone" and all evidence submitted at the public hearing on December 06, 2006, regarding this matter the Board of County Commissioners have found, determined and concluded that the requested rezone from A-1 (Agriculture) to R-1A (Single-Family Dwelling) should be denied.

**ORDER****NOW, THEREFORE, IT IS ORDERED AND AGREED THAT:**

The aforementioned application for development approval is **DENIED**.

**Done and Ordered on the date first written above.**

**SEMINOLE COUNTY BOARD OF COUNTY  
COMMISSIONERS**

By: \_\_\_\_\_  
Carlton D. Henley, Chairman

**EXHIBIT "A"**

Lots 33, 34, 35, 36, 37 AND 38, PLAT OF THE TOWN OF SYLVAN LAKE, SEMINOLE COUNTY, ACCORDING TO THE PLAT RECORDED IN PLAT BOOK 2, PAGE 69, OF THE PUBLIC RECORDS OF SEMINOLE COUNTY, FLORIDA